

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 TIFFANY SCHUMACKER and
9 BRANDON SCHUMACKER ,

10 Petitioners,

11 v.

12 STATE OF WASHINGTON, et al.,

13 Respondents.

14 CASE NO. C14-5966 BHS

15 ORDER DENYING MOTION
16 FOR TEMPORARY
17 RESTRANDING ORDER AND
18 PRELIMINARY INJUNCTION

19 This matter comes before the Court on Petitioners Tiffany and Brandon
20 Schumacker's ("Schumackers") motion for a temporary restraining order and preliminary
21 injunction (Dkt. 2). The Court has considered the pleadings filed in support of the
22 motion and the remainder of the file and hereby denies the motion for the reasons stated
herein.

1 Federal Rule of Civil Procedure 65(b) governs temporary restraining orders.

2 Under Rule 65(b), the Court is only authorized to grant an ex parte motion if the movant
3 (1) alleges specific facts showing that immediate harm will be suffered if relief is not
4 granted.

1 granted before the adverse party may be heard, and (2) states his efforts to give notice
2 and reasons why notice should not be required. Fed. R. Civ. P. 65(b)(1).

3 Here, the Schumackers have failed to show that they attempted to give any notice
4 to Defendants. The Schumackers have also failed to show why notice should not be
5 required in this case. Moreover, the Schumakers have not sufficiently established this
6 Court's authority to overturn or interfere with the Tennessee state court order alleged to
7 have been entered at this time. The Court therefore denies the Schumackers' motion for a
8 temporary restraining order.

9 The Schumackers' motion also contains a request for a preliminary injunction.
10 Dkt. 2. The Court concludes that once the Schumackers have filed proof of proper
11 service of process on Defendants, they may renew their request for a preliminary
12 injunction hearing in a motion seeking such relief.

13 Therefore, it is hereby **ORDERED** that the Schumackers' motion for a temporary
14 restraining order and preliminary injunction (Dkt. 2) is **DENIED**.

15 Dated this 10th day of December, 2014.



BENJAMIN H. SETTLE
United States District Judge